REMARKS

It is noted that claims 74, and 75 have been amended for clarification purposes in order to avoid ambiguity and in order to place claims in better condition for appeal in light of the final office action.

On page 2 of the office action, claims 69, 74, 75 are rejected by the examiner under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The examiner asserts on page 2 of the office action that a computer program product and a computer usable medium is not a new and useful process, machine, manufacture, or composition of matter. However, it is noted that the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states:

> ...a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. (EXAMINER guidelines101_20051026, 53:7-12)

Since claims 69, 74, and 75 are directed to a computer program product comprising a computer usable medium having computer readable code embodied therein, it is asserted that claims 69, 74, and 75 are statutory subject matter under 35 U.S.C. § 101.

On page 6 of the office action, claims 55-57, 59, 74, 86, and 87 are rejected by the examiner under 35 U.S.C. § 102(b) as being anticipated by Welter (US 6,138,157). This rejection is respectfully traversed. On page 7 of the office action, claims 45-54, 61-73, 75-85, 89-96 are rejected by the examiner under 35 U.S.C. § 103(a) as being on patentable over applicant submitted prior art (AAPA) in the view of Welter (6,138,157). This rejection is respectfully traversed.

For reference purposes, independent claim 45 of the present application is recited below:

> 45. A method for determining a health status of a selected network device in a data network, the method comprising:
>
> receiving data from the network device, said data including content information;
>
> performing format verification on a first portion of said content information by verifying at least one format of the first portion of content information using predetermined format verification rules; and

determining the health status of the network device based upon results of said format verification.

On page 6 of the office action, the Examiner asserts that the performing format verification on a first portion of said content information by verifying at least one format of the first portion of content information using predetermined format verification rules is implicit in the teachings of Welter, citing Welter column 8, lines 1-9 in support of this assertion. Applicant respectfully disagrees.

For reference purposes, Welter column 8, lines 1-9 state:

> ...Process control is then turned over to an operation 211 which takes measures based on the HTTP request and response, analyzes received HTML for expected content and errors using methods such as matching against string valves, regular expressions, and calculated valves and stores them in a database.

Although Welter references the term "regular expressions", there is no teaching or suggestion in Welter for using or creating regular expressions to perform format verification on a first portion of content by verifying at least one format of the first portion of content information using predetermined format verification rules. Additionally, as Applicant has asserted in its response of 2/13/06, while it may be commonly known to use regular expressions for the purpose of performing string matching, it is submitted that it was not commonly known to one having ordinary skill in the art at the time of the invention to use regular expressions for the purpose of performing format verification on a first portion of content.

An example of a definition for the term "regular expression" may be found at http://en.wikipedia.org, and is stated for reference below:

> A regular expression...is a string that describes or matches a set of strings, according to certain syntax rules...
>
> A regular expression, often called a pattern, is an expression that describes a set of strings. They are usually used to give a concise description of a set, without having to list all elements. For example, the set containing the three strings Handel, Händel, and Haendel can be described by the pattern "H(ä|ae?)ndel" (or alternatively, it is said that the pattern matches each of the three strings)...

From this definition, it is clear that the customary and ordinary the use a regular expressions is for the purpose of matching a desired set of strings. For example, the regular expression "gray|grey" may be used to match either or both of the strings: "gray" or "grey."

However, while it may be commonly known to use regular expressions for the purpose of performing string matching, it is submitted that it was not commonly known to one having ordinary skill in the art at the time of the invention to use regular expressions for the purpose of performing format verification on a first portion of content.

Although Welter references the use of regular expressions, it is submitted that the customary and ordinary the use a regular expressions, as of the filing date of the present application, was for the purpose of matching a desired set of strings. Thus, even if one were to assume that Welter inherently teaches the use of regular expressions to identify errors of received HTML content, such use would be limited to using regular expressions to perform string matching, and would not include using regular expressions to perform format verification of content absent some express teaching or suggestion in Welter. It is noted that there is no teaching or suggestion in Welter for using or creating regular expressions to perform format verification of selected content.

Additionally, it is respectfully submitted that the examiner has improperly interpreted disclosed teachings of applicant's inventive embodiments of the present invention as prior art in order to use such teachings to reject the claims of the present invention in combination with Welter. For example, on pages 4-5 of the office action, the examiner attempts to provide support for his assertion (that Welter implicitly teaches performing format verification on a first portion of said content information by verifying at least one format of the first portion of content information using predetermined format verification rules) by stating:

> ...Applicant further states that a regular expression would look like: ([1-9]|1[0-2]):[0-5][0-9] (A|P)M and thus, a string reported from a web page in the format of "3:06 PM" would be validated, but a string in the format "0:83 KM" would not be validated. Using this same example, Examiner submits that the teachings of Welter would suggest "3:06 PM" is expected content and "0:83 KM" is an error.

Applicant respectfully objects to the Examiner's statement above because the examiner has improperly interpreted disclosed teachings of applicant's inventive embodiments of the present invention as prior art in order to use such teachings to reject the claims of the present invention in combination with Welter.

More specifically, as asserted previously, while it may be commonly known to use regular expressions for the purpose of performing string matching, it is submitted that it was not commonly known to one having ordinary skill in the art at the time of the invention to use regular expressions for the purpose of performing format verification on a first portion of content.

On page 11 of the specification of the present application, applicant provides an example of one implementation of determining a health status of a server adapted to serve dynamically generated web pages which include current timestamp information by performing format verification of the web page timestamp information. In this particular implementation of the present invention, applicant proposes using a novel regular expression syntax of: ([1-9]|1[0-2]):[0-5][0-9] (A|P)M in order to utilize the inventive regular expression to perform format verification of the web page timestamp information.

It is submitted that a regular expression syntax such as ([1-9]|1[0-2]):[0-5][0-9] (A|P)M represents a novel use of regular expression syntax for the purpose of performing format verification of timestamp information. Further, it is submitted that there is no teaching or suggestion in Welter for using or creating regular expressions to perform format verification of document content such as, for example, timestamp information. It is noted that Welter refers to the term "regular expression" only once in the entire specification (column 8, line 5). The mere reference in Welter of the possibility of using "regular expressions" to identify expected content and errors does not convey any teaching or suggestion for using a particular regular expression syntax such as ([1-9]|1[0-2]):[0-5][0-9] (A|P)M to perform format verification of timestamp information, nor does it convey any teaching or suggestion for using a novel syntax of regular expressions to perform format verification of content by verifying at least one format of the content. Further, it is submitted that it was not commonly known to one having ordinary skill in the art at the time of the invention to use regular expressions for the purpose of performing format verification of document content such as, for example, timestamp information. Accordingly, it is respectfully submitted that the examiner has improperly used the disclosed teachings of applicant's inventive embodiments of the present invention to reject the claims of the present invention in combination with Welter.

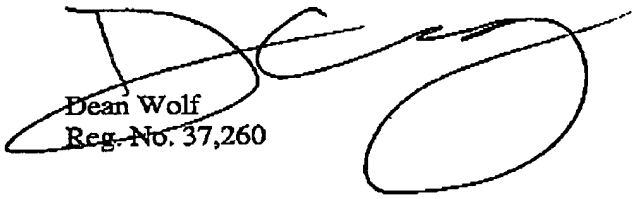
Based at least on the above reasons, it is respectfully submitted that the examiner has improperly rejected the presently pending claims under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a). Should the examiner continue to maintain his assertion that Welter implicitly teaches performing format verification on a first portion of said content information by verifying at least one format of the first portion of content information using predetermined format verification rules, the examiner is respectfully requested to provide objective evidence of record (other than Welter column 8, lines 1-9) which supports such an assertion.

Because claims 45-96 are believed to be allowable in their present form, many of the examiner's rejections in the Office Action have not been addressed in this response. However,

applicant respectfully reserves the right to respond to one or more of the examiner's rejections in subsequent amendments should conditions arise warranting such responses.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



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